

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEONARDO SERRANO TORRES,

Plaintiff,  
-v-

18 Civ. 330 (PAE)  
18 Civ. 7252 (PAE)

TEN WESTSIDE CORP. et al.,

ORDER

Defendants.

CARLOS ENRIQUE TOJ OVALLE,

Plaintiff,  
-v-

TEN WESTSIDE CORP. et al.,

Defendants.

PAUL A. ENGELMAYER, District Judge:

On December 2, 2019, the Court ordered counsel for plaintiffs to submit their proposed findings of fact and conclusions of law in these consolidated cases by December 5, 2019 at noon. Dkt. 67. Counsel for plaintiffs' submission, required under the Court's Individual Rules, had been due on November 8, 2019. *See id.* Citing a previous order to show cause, Dkt. 58, the Court explained in its December 5, 2019 order that it "has already had to warn counsel for plaintiffs in this case that their repeated failure to adhere to deadlines may result in sanctions, including dismissal for failure to prosecute," Dkt. 67.

On December 6, 2019, less than an hour before the final pretrial conference scheduled for 4 p.m. that day, plaintiffs finally made the required submission. Dkt. 70. At that conference, the Court inquired of counsel for plaintiffs whether there was a good excuse for the failure timely to file the proposed findings of fact, among other documents, and counsel conceded there was none.

Counsel for plaintiffs' unjustified delay has prejudiced defendants and hampered the Court's ability to prepare for the February 3, 2020 trial in this litigation. Given the apparent failure of the Court's repeated warnings to improve counsel for plaintiffs' ability to meet deadlines, the Court finds that issuing another warning and reprimand will not be a sufficient deterrent to counsel's behavior. For these reasons, and for the reasons set forth on the record of today's conference, the Court imposes a monetary sanction on counsel for plaintiffs, Michael Faillace & Associates, P.C., of \$1,000 due to the Clerk of Court on Monday, December 9, 2019.

SO ORDERED.



Paul A. Engelmayer  
United States District Judge

Dated: December 6, 2019  
New York, New York